

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA  
450 GOLDEN GATE AVENUE  
SAN FRANCISCO, CALIFORNIA 94102  
Phone: 415.522.2034



RICHARD W. WIEKING  
CLERK OF COURT

January 3, 2008

Rodney Martin  
P. O. Box 1591  
El Cerrito, CA 94530

D. Andrew Byrne  
Phillips, Nizer, LLP  
666 5<sup>th</sup> Avenue  
New York, NY 10103

Jackson Maynard, Jr.  
605 Suwannee St., Suite MS58  
Tallahassee, FL 32399

**Re: C07-5747EMC Martin v. Byrne, et al.**

Dear Parties:

This matter has been assigned to Magistrate Judge Edward M. Chen for all purposes including trial.

Pursuant to 28 U.S.C. §636(c), the magistrate judges of this district have been designated by this Court to conduct any and all proceedings in a civil case including a jury or non-jury trial and to order the entry of a final judgment, upon the consent of all parties. A signed consent to the jurisdiction of the Magistrate Judge must be filed before consideration of any dispositive motion filed by either party.

A review of the file discloses that the Consent to Proceed Before a United States Magistrate has not been filed in this case. Please sign and return **one** of the enclosed forms documenting either: (1) your consent or (2) request for reassignment and return it to the Court by **1/17/08**. If you do not consent, your case will be reassigned to a District Court Judge. You are free to withhold consent to this Court and request reassignment to a district judge without any adverse substantive consequences.

Thank you.

RICHARD W. WIEKING

A handwritten signature in black ink, appearing to read "Betty Fong".

By: Betty Fong  
Deputy Clerk

Enclosure

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

RODNEY MARTIN, et al.,

Case No. C07-5747 EMC

Plaintiffs,

v.

D. ANDREW BYRNE, et al.,

Defendants.

/

**CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C. Section 636(c), the undersigned party in the above-captioned civil matter hereby voluntarily consents to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment. Appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature  
Counsel for: \_\_\_\_\_  
(Name of party or indicate "pro se")

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

RODNEY MARTIN, et al.,

Case No. C07-5747 EMC

Plaintiffs,

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D. ANDREW BYRNE, et al.,

Defendants.

/

**DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND  
REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

The undersigned party in the above-captioned civil matter hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature  
Counsel for \_\_\_\_\_  
(Name of party or indicate "pro se")